



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Grant Ballin

Serial No.: 10/626,480

Filed: July 24, 2003

Atty. File No.: 48288-01010

For: "SOUND PRODUCING  
PLAY APPARATUS"

Assistant Commissioner for Patents  
MAIL STOP: FEE AMENDMENT  
P.O. Box 1450  
Alexandria, VA 22313-1450

) Group Art Unit: 3714

) Examiner: Kien T. Nguyen

) ELECTION AND RESPONSE TO  
) RESTRICTION REQUIREMENT

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE IN  
AN ENVELOPE ADDRESSED TO MAIL STOP: FEE AMENDMENT  
COMMISSIONER FOR PATENTS, P.O. Box 1450, ALEXANDRIA, VA  
ON February 28, 2005.

HOLME ROBERTS & OWEN LLP

BY Rebecca R. Wilson

Dear Sir/Madam:

In response to the Office Communication mailed December 29, 2004, please enter the Applicant's election and response to the restriction requirement of the Office Communication, as follows:

1. Pursuant to 35 U.S. 121, and in response to the restriction requirement, the Applicant provisionally elects the Group 1: Figs. 1-4 as identified by the Examiner including claims 1-5 and 7-32. Applicant further cancels, with traverse, the claims applicable to the non-elected groups identified by the Examiner, i.e., Groups 2-6, subject however to reinstatement in the event the restriction requirement is withdrawn or overruled.

2. Upon allowance of a generic claim, claims to additional species that depend from the generic claim or that otherwise include all limitations of the generic claim should be considered without restriction. 37 C.F.R. 1.141.

3. Applicant traverses the restriction requirement on grounds that Groups 1-6 are closely related. As provided in MPEP 803, second paragraph, search and examination of the entire application can be made without serious burden.

4. To the extent any fees are due in connection with this response, Applicant requests that they be withdrawn from deposit account no. 08-2665.

Respectfully submitted,  
HOLME ROBERTS & OWEN LLP

By: Susan D. Campbell

Susan D. Campbell  
Registration No. 43,529  
90 South Cascade Avenue  
Suite 1300  
Colorado Springs, CO 80903  
(719) 473-3800

Date: 2/28/05